

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7035

BILL NUMBER: SB 312

DATE PREPARED: Dec 28, 2001

BILL AMENDED:

SUBJECT: Reporting arrests of licensed school personnel.

FISCAL ANALYST: Chris Baker

PHONE NUMBER: 232-9851

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (A) This bill allows the Professional Standards Board to suspend the license of a licensed school employee for immorality, misconduct in office, incompetency, or willful neglect of duty.

(B) The bill also requires a prosecuting attorney to notify the superintendent of a school corporation or the equivalent authority for a nonpublic school of: (1) a licensed employee's arrest or indictment; and (2) the disposition of any charges filed against a licensed school employee.

(C) This bill adds additional crimes to those for which a licensed education professional may permanently lose a license upon conviction.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (A) The Indiana Professional Standards Board (the Board) could experience an increase in expenditures such as printing and mailing notices for a suspension hearing. After a complaint against a license holder is filed by the Department of Education, an administrative law judge presides over an adjudication proceeding where the individual with the license may present their case. Once the judge has ruled, the Board would hold a meeting to determine if the ruling of the judge will be upheld. If suspension hearings occur due to the bill, the Board could include the hearing during the course of business of a scheduled meeting. In CY 2001 the Board met for either one or two days a month in 7 out of 12 months of the year. In CY 2000 the Board met 6 out 12 months of the year.

Explanation of State Revenues: (A) & (C) *Background:* Current law allows for the permanent revocation of a teacher license for the following offenses (IC 20-6.1-3-7(c)):

Offense	Classification
Rape	Class B felony (Class A if with deadly force/weapon)
Criminal deviate conduct	Class B felony (Class A if with deadly force/weapon)
Child molesting	Class C felony (Class A if with deadly force/weapon)
Child exploitation	Class D felony (Class C if it is committed by using a computer network)
Vicarious sexual gratification	Class D felony (Class C if child involved in the offense is under the age of fourteen; Class B if with deadly force/weapon or use of drugs to induce)
Child solicitation	Class D felony (Class C if it is committed by using a computer network)
Child seduction	Class D felony (Class C if deadly force/weapon or use of drugs to induce)
Sexual misconduct with a minor	Class C felony (Class B if offender is 21 years or older; Class A if with deadly force/weapon or use of drugs to induce)
Incest	Class C felony. (Class B if victim is less than 16 years of age.)

If suspensions lead to more revocations of teacher licenses as a result of the bill, fewer license renewal fees would be collected. Based on recent revocation trends, it is believed impact with respect to teacher license revenue would be minimal. Current teacher license fees are at a maximum of \$5. In FY 2001 the Indiana Professional Standards Board (PSB) collected \$115,971 in teacher license revenue. All fees from teacher licenses are deposited into the state General Fund.

Revocation Data: In 1999, seven teacher licenses were revoked or surrendered for violations under IC 20-6.1-3-7. Two of these revocations were for at least one of the offenses listed above (IC 20-6.1-3-7(c)). Two other revocations were due to immorality as listed in current law under (IC 20-6.1-3-7(a)).

In 2000, six revocations of a teacher license occurred under IC 20-6.1-3-7. Five of the revocations were for sexual misconduct with a minor (section 7(c) violation listed above). The remaining revocation was for a section 7(a) violation: immorality, misconduct in office, incompetency, willful neglect of duty.

Explanation of Local Expenditures: (B) Written notification of arrested or indicted teachers could increase the administrative expenditures of the county prosecutor and the school board. The specific impact is indeterminable and would depend on local action.

Explanation of Local Revenues:

State Agencies Affected: Professional Standards Board, Department of Education.

Local Agencies Affected: County prosecutor, school boards.

Information Sources: Indiana Professional Standards Board, (317) 232-9010; Indiana Professional Standards Board website: <http://www.in.gov/psb/meetings> ; Kevin McDowell, Department of Education, (317) 232-6647.